

Oath Administered to Officers of Senate

At the request of the President, the newly elected officers of the Senate named in the caucus report appeared at the bar of the Senate and took the constitutional oath of office.

Senate Concurrent Resolution 1

(Inauguration of Governor and Lieutenant Governor)

S. C. R. No. 1, Providing for inauguration of Governor and Lieutenant Governor.

Whereas, The Constitution of the State of Texas fixes the inauguration of the newly elected Governor and Lieutenant Governor for the first Tuesday following the convening of the Legislature in each Regular Biennial Session; and

Whereas, It is necessary that a Joint Legislative Inaugural Committee be appointed to make all arrangements for the carrying out of said inauguration; and therefore, be it.

Resolved by the Senate, the House concurring, That the President of the Senate appoint five (5) members of the Senate and that the Speaker of the House appoint five (5) members of the House to compose said Joint Legislative Inaugural Committee; and be it further

Resolved that said Joint Legislative Inaugural Committee be hereby empowered to do all things necessary in arranging the House and order of events in said inauguration.

The resolution was read and was adopted unanimously.

In accordance with the provisions of the resolution, the President announced the appointment of the following committeemen on the part of the Senate: Senators Bullock, Winfield, Lanning and Stone. The President also announced the appointment of Senator-elect Stanford as chairman of the committee, effective upon his taking the oath of office as Senator from the Twentieth Senatorial District.

Committees to Notify Governor and House

On motion of Senator Aikin the President was authorized to appoint a committee to notify the Governor and a committee to notify the House that

the Senate is organized and ready for the transaction of business.

Accordingly, the President appointed the following committees:

To notify the Governor—Senators Aikin, Lanning, Stone, Carney, and Metcalfe.

To notify the House—Senators Lane, Taylor, Vick, Moore, and Ramsey.

Governor Notified

The committee to notify the Governor that the Senate is organized and ready to transact business appeared at the bar of the Senate, and Senator Aikin, for the committee, notified the President and the Senate that the committee had performed the duty assigned it.

Adjournment

On motion of Senator Moore, the Senate, at 1:05 o'clock p. m., adjourned until 11:00 o'clock a. m. tomorrow.

SECOND DAY

(Wednesday, January 10, 1945)

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Metcalfe
Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yes-

terday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Kelley and Shivers were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator Spears.

Oath of Office Administered

The President announced that Hon. James A. Stanford, Senator-elect from the Twentieth Senatorial District, had arrived in the Senate Chamber and requested him to approach the Secretary's desk and take the oath of office.

Senator-elect Stanford then came to the Secretary's desk and took the official oath, which was administered by the President.

Appointment of Committees

The President announced the appointment of the following committees of the Senate:

Committee on Finance

Senator Lanning, Chairman; Senator Stone, Vice Chairman; Senators Aikin, Carney, Chadick, Graves, Kelley, Knight, Martin, Mauritz, Metcalfe, Moore, Morris, Ramsey, Shivers, Spears, Stanford, Sulak, Taylor, Weinert, Winfield, York.

Committee on Nominations of the Governor

Senator Winfield, Chairman; Senator Martin, Vice Chairman; Senators Bullock, Lanning, Metcalfe, Mauritz, Moffett, Moore, Ramsey, Shivers, Stone, Sulak, Taylor, Vick, Weinert, York.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 1, A Bill to be entitled An Act declaring the policy of this State with reference to citizens of the Americas, declaring that public places catering to the public for business and profit are public utilities, defining the term "Mexican or Latin-American origin," providing for the

elimination of discrimination by public utilities against persons of Mexican or Latin-American origin, prescribing penalties and civil damages, repealing all laws in conflict, and declaring an emergency.

To Committee on State Affairs.

By Senator Moffett:

S. B. No. 2, A Bill to be entitled An Act to require the State Highway Department to employ a Civil Engineer, registered under the laws of this State, experienced and skilled in design and location of highways, airports, airparks, etc., to counsel and advise the State Highway Engineer and municipal and county governments on the suitability of locations and extensions of airports, airparks, etc., to be constructed, reconstructed or extended with public funds after September 1, 1945; providing for the salary of such Civil Engineer to be fixed by the Legislature in the biennial Departmental Appropriation Bill; providing that after the effective date of this Act State Highway funds shall not be used to construct, relocate, reconstruct or maintain highways or farm to market roads considered necessary or desirable by reason of the location or extension, as the case may be, of an airport, airpark, etc., unless prior to such location or extension the State Highway Commission has concurred with the officials in charge of the airport, airpark, etc., that the location or extension thereof and the consequent construction, relocation, reconstruction or maintenance of highways or farm to market roads are in the public interest; providing a saving clause; and repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency.

To Committee on Highways and Motor Traffic.

By Senator Moffett:

S. B. No. 3, A Bill to be entitled An Act providing for the acceptance of applications and bids for leases covering islands, salt water lakes, bays, the bed of the sea, inlets, marshes and reefs, river beds and channels, and unsold surveyed school lands; fixing the terms of said leases; providing for the assignment of leases; providing for the revision,

modification and amendment of leases in whole or in part; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

To Committee on Public Lands and Land Office.

By Senators Metcalfe and Bullock:

S. B. No. 4, A Bill to be entitled An Act amending Article 2870, of the Revised Civil Statutes of 1925, [relating to free text books], repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

To Committee on Education.

By Senator Lanning:

S. B. No. 5, A Bill to be entitled An Act making an appropriation of the sum of Three Hundred Fifty Thousand (\$350,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the 49th Legislature, and to pay any unpaid accounts or expenses of the 48th Legislature, and declaring an emergency.

To Committee on Finance.

By Senator Moore:

S. B. No. 6, A Bill to be entitled An Act providing that it shall be lawful for any person at any time to have in his possession, or to place in and have in any public or private storage plant, refrigerator or locker, any game birds, (migratory or other), game animals, water fowl, or migratory water fowl, lawfully taken or killed, not in excess of the number or amount permitted by law to be possessed; repealing all laws in conflict therewith; and especially repealing that portion of House Bill 451, Chapter 252, Acts Regular Session, 48th Legislature, relative to retention limits thereon, or the fixing of retention limits thereon; and declaring an emergency.

To Committee on Game and Fish.

By Senator Carney:

S. B. No. 7, A Bill to be entitled An Act amending Senate Bill No. 111, Chapter 61, Page 100 of the General Laws passed by the Second Called

Session of the Forty-first Legislature, by adding to Section 38 thereof, a new section to be known as Sec. 38-a, providing that building and loan associations organized under the laws of this state may make loans pursuant to the provisions of Sections 500, 501, 504 and 505 of Chapter V, Title III of the Act of Congress, entitled "Servicemen's Readjustment Act of 1944," and all amendments thereto, as well as any and all regulations that have been heretofore promulgated and all regulations that may be hereafter promulgated under the provisions of said sections of said Act of Congress; such building and loan associations are authorized and empowered to contract for, and obtain such insurance or guaranty of the payment of such loans, advancements or investments as may be provided for in such sections of such Act or any amendments thereto, or under any regulations promulgated thereunder; such building and loan associations may invest any of its funds, in such loans, credits, or obligations, without limitation as to amount loaned to any one borrower, or period of maturity, under the provisions of Sections 500, 501, 504 and 505 of Chapter V, Title III of said Act of Congress, and under all amendments thereto, as well as under any and all regulations that have been heretofore promulgated or that may be hereafter promulgated under the provisions of said sections of said Act of Congress; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Carney:

S. B. No. 8, A Bill to be entitled An Act amending Subsection 1 of Section 30 of Senate Bill No. 111, Chapter 61, Page 100 of the General Laws passed by the Second Called Session of the Forty-first Legislature, as thereafter amended, providing that the name assumed by the association shall not be the name assumed by any other association incorporated under this law, nor so similar to be liable to mislead; providing that the name assumed by the association, hereafter chartered shall contain the words "building and loan association" or "savings and loan association," or "savings association" or "savings institution"; and provid-

ing that associations heretofore chartered may, by amendment to their charter, change the name of their association so as to provide for such terminology; and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Winfield:

S. B. No. 9, A Bill to be entitled An Act to amend Article 5, Chapter II, of The Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for a Building and Loan Supervisor and Building and Loan Examiners, their method of appointment; and other employees required to examine corporations under the supervision of the Banking Department, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 10, A Bill to be entitled An Act to amend Article 4, Chapter II, of The Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for the appointment of Bank Examiners and Assistant Examiners and specifying their qualifications, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 11, A Bill to be entitled An Act to amend Article 15, Chapter 1 of The Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for the selection of the members of the State Banking Board; for the filling of any vacancy on said board; defining the powers of said board; prescribing the method of review of said board's decisions; fixing the venue thereof; authorizing the board to adopt rules of procedure, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 12, A Bill to be entitled An Act to amend Article 3, Chapter II, of The Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for a Departmental Examiner, his method of appointment and his qualifications, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 13, A Bill to be entitled An Act to amend Article 7, Chapter V, sub-section 6, of The Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to describe eligible investments and to prescribe the limit of liability of any one borrower when the collateral constitutes direct obligations of the State of Texas, the United States or any instrumentality of the United States of America, and declaring an emergency.

To Committee on Banking.

Joint Resolution on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Ramsey:

S. J. R. No. 1, Proposing an amendment to Sections 18 and 24, of Article 5, of the Constitution so as to abolish the office of constable; fixing the time for an election therefor; prescribing the form of ballot; providing for proclamation of such election and the advertisement thereof; and making an appropriation therefor.

Senate Resolution 2

(Committee on Aeronautics)

Senator York offered the following resolution:

Whereas, it is a matter of common knowledge that the airplane has long since been accepted as a means for transporting mail and passengers throughout the United States; and

Whereas, it is now evident that with the cessation of existing hostilities, the airplane will be accepted as an essential and necessary means for the transportation of both freight and passengers and that the use of this means of transportation will become so common and so localized as to demand State regulation as well as Federal regulation in order to secure the protection of property rights and in order to guarantee the safety of the traveling public; and

Whereas, it is obvious that this phase of plane transportation will open up a new field for legislation which is separate and distinct from

all other fields and which will demand special consideration on the part of State Legislatures and which will make necessary the creation of new Legislative Committees to consider the volume of legislation that will be proposed.

Therefore, Be It Resolved by the Senate of the State of Texas: That a new Senate Committee to be known as the "Committee on Aeronautics" be created and established as a regular standing committee of this Senate and that the President of the Senate proceed to name the members of such Committee and to assign to the Committee such bills and resolutions as are appropriate for its consideration.

YORK
HAZLEWOOD
MOFFETT
JONES

The resolution was read and was adopted by the following vote:

Yeas—27

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Nays—2

Chadick Moore

Absent—Excused

Kelley Shivers

Senate Resolution 3

(Freight Rates)

Senator Moore offered the following resolution:

Be It Resolved by the Senate of the State of Texas:

Whereas, the South has been discriminated against for many years in the making of freight rates; and

Whereas, this has been a great burden on the people of the South and has prevented the proper development of its resources; and

Whereas, equalization of freight rates will give to the South an equal opportunity for economic development after the War and enable it to maintain a high rate of employment, and particularly to provide employment for her returning veterans of this War; now, therefore,

Be It Resolved by the Senate of Texas that we urge the President of these United States to appoint on the Interstate Commerce Commission some person who will recognize the necessity of equalizing freight rates and the elimination of the discrimination against the South.

Be It Further Resolved, That copies of this resolution be mailed to the United States Senators from Texas and to each Congressman from Texas with the request that they urge and support such appointments.

Signed:

MOORE
MAURITZ
MORRIS
MOFFETT
KNIGHT
CHADICK
VICK
CARNEY
SULAK

The resolution was read and was adopted.

Senate Resolution 4

(Sweetheart of Senate)

Senator Mauritz offered the following resolution:

Whereas, We have among us during the Forty-ninth Session of the Texas Legislature a charming and adorable young lady, who reflects the fine qualities of her father, and who by her beauty, poise, and precocity is superbly qualified to perform the duties and to accept the perquisites of the honored position of Sweetheart of the Texas Senate; and

Whereas, This attractive and outstanding young lady is Sue Brown, the daughter of our distinguished new member, the Honorable Buster Brown; and

Whereas, It is the desire of this body to so honor this lovely little miss; now, therefore, be it

Resolved, That as an evidence of our admiration and love, we herewith designate her, Miss Sue Brown, as Sweetheart of the Texas Senate during the Forty-ninth Session of the

Texas Legislature; and, be it further Resolved, That her picture be placed on the picture panel as Sweetheart of the Texas Senate with the members of this session; and be it further

Resolved, That a copy of this resolution be sent to her with all good wishes for her health and happiness during her tenure of this honored position.

MAURITZ, LANNING.

The resolution was read and was adopted unanimously.

Senator Lanning then escorted little Miss Sue Brown to the Secretary's desk and presented her to the Senate.

Senate Notified

A committee of five Members of the House was announced by the Doorkeeper; and Mr. Blankenship, for the committee, notified the Senate that the House is organized and ready for the transaction of business.

Senate Concurrent Resolution 2

Senator Lanning offered the following resolution:

S. C. R. No. 2, Fixing mileage and per diem for members of Legislature.

Be It Resolved by the Senate, the House concurring, That the pay of Members of the Regular Session of the Forty-ninth Legislature be, and is hereby fixed at Ten Dollars (\$10.00) per diem; and be it further

Resolved, That in addition to the per diem, the Members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall be Two Dollars and Fifty Cents (\$2.50) for every twenty-five miles traveled, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller, to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra session that may be called in one (1) day after the adjournment of the Regular or any Called Session of this Legislature.

The resolution was read, and by unanimous consent, was considered immediately.

The resolution was adopted.

Report of Standing Committee

Senator Lanning submitted the following report:

Austin, Texas,
January 10, 1945.

Hon. John Lee Smith,
President of the Senate.

Sir: We your Committee on Finance, to whom was referred S. B. 5 (the milage and per diem bill), have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senate Bill 5 on Second Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 5, the mileage and per diem bill, be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Kelley Shivers

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill 5 on Third Reading

The President then laid S. B. No. 5 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Kelley	Shivers
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Senate Concurrent Resolution 3

Senator Metcalfe offered the following resolution:

S. C. R. No. 3, Inviting National Commander of the American Legion to address a joint session of the Legislature.

Whereas, Hon. Edward N. Scheiblerling, the National Commander of the American Legion, is to be present in Texas in the near future, and

Whereas, This distinguished guest of Texas is certain to have information that will be valuable and interesting to the Legislature of Texas, now, therefore

Be It Resolved by the Senate of Texas, the House of Representatives concurring, that a committee of five members of the Senate and five members of the House of Representatives be created to invite this distinguished visitor to address a joint session of the Legislature at an appropriate time.

Signed: METCALFE
MARTIN
JONES
LANNING
MOFFETT
CRAWFORD
SPEARS
YORK

The resolution was read and was adopted.

Senate Resolution 5

Senator Stone offered the following resolution:

Be It Resolved by the Senate of the State of Texas:

That, Whereas, Major J. J. Duckett, United States Marine Corps, a resident of Wharton County, Texas, and the brother of Representative L. L. Duckett of that County, has just returned from a long tour of duty in the South Pacific Islands and is now in the Senate Reception room, and

Whereas, Major Duckett is a native son of Texas who has distinguished himself in the service of his country;

Therefore, Be It Resolved that the courtesy of the Floor be extended to Major Duckett and his wife and that he be invited to address the Senate.

The resolution was read and was adopted.

The President appointed Senators Mauritz and Stone to escort Major Duckett and Mrs. Duckett to the President's desk.

Senator Stone presented Major Duckett and Mrs. Duckett to the Senate, and Major Duckett addressed the Senate briefly.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
January 10, 1945.

Hon. Mr. President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 1, Providing for adoption of Temporary Rules.

H. C. R. No. 2, Providing for parking space for Members' automobiles and for additional space for the automobiles of accredited newspaper correspondents.

H. C. R. No. 3, Providing for a Joint Session of the Legislature for the purpose of hearing the biennial message of the Governor.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

House Concurrent Resolution 3

The President laid before the Senate, and had read:

H. C. R. No. 3, Providing for a

joint session of the House and Senate to hear the biennial message of the Governor at 11:00 o'clock a. m. tomorrow.

The resolution was read, and by unanimous consent, was considered immediately.

The resolution was adopted.

Adjournment

On motion of Senator Metcalfe, the Senate, at 12:05 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

THIRD DAY

(Thursday, January 11, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal approved.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Aikin:

S. B. No. 14, A Bill to be entitled An Act defining certain duties of the governing board of the institutions

of higher learning of Texas specifically defining the method of employing members of the faculty and specifically defining the procedure of dismissing members of the faculty.

To Committee on Education.

By Senator Winfield:

S. B. No. 15, A Bill to be entitled An Act to amend Article 2, Chapter II, of the Texas Banking Code of 1943, as adopted by the acts of 1943, 48th Legislature, so as to provide for the appointment of a Deputy Commissioner; defining his qualifications and duties, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 16, A Bill to be entitled An Act to amend Article 1, Chapter II, of The Texas Banking Code of 1943, as adopted by the acts of 1943, 48th Legislature, so as to provide for the appointment of the Banking Commissioner; fixing his tenure of office, prescribing his qualifications and, in the event of a vacancy, providing the method of selecting a successor, and declaring an emergency.

To Committee on Banking.

By Senator Winfield:

S. B. No. 17, A Bill to be entitled An Act appropriating the sum of \$13,250.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas in favor of W. D. Malone in Cause No. 53,930 in the Fifty-third District Court of Travis County, Texas, such judgment having been appealed to the Court of Civil Appeals and affirmed, and writ of error having been refused for want of merit by the Supreme Court of Texas, and the case having been finally disposed of by the Supreme Court of the State of Texas under Application Docket No. 26,902; and declaring an emergency.

To Committee on Finance.

By Senator Spears:

S. B. No. 18, A Bill to be entitled An Act to protect the right to enter into sale contracts relating to commodities bearing the trade mark, brand or name of its producer or owner; to protect producers or owners, distributors, dealers and the general public against injurious practices